IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.1767 OF 2003

Abdul Shgoor Mohammed & Ors. ...Petitioners.
Vs.
Mohammed Ilyas Mohammed Ibrahim & Ors. ...Respondents.

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Mr. R.S. Dadar for the Petitioners.
Mr. N.S. Bubna for Respondent No.1.

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CORAM : DR.D.Y.CHANDRACHUD, J.

July 6, 2006.

P.C.

The Appellate Court has decreed the suit on the ground of default in the payment of rent and on the ground of subletting. The decree, in my view, can be sustained since the ground of subletting has been clearly established. Defendant No.1 is the original tenant. Regular Civil Suit 1172 of 1986 was instituted against the landlord by the First and Second Defendants. The son of the First Defendant who deposed in the suit as a Constituted Attorney, clearly admitted that the First Defendant to these proceedings had taken on lease the premises for the installation of eight power looms in 1970 and that he was paying the rent to the

First Defendant to that suit. In reply to the notice in the present case, the case which has been sought to be set up was that the Third and Fourth Defendants were independent tenants of the Plaintiff landlord. That is clearly belied by the testimony in the earlier suit in which there was a clear admission to the effect that the tenancy stood in the name of the First Defendant only. The fact that the Third and Fourth Defendants were thus inducted cannot be disputed. That they were not independent tenants is correctly established. No case for interference is made out. The Petition is dismissed.

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